IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1185 OF 2006

Shramik Ekta Co-op. Hsg.
Soc. Federation Ltd. ..Petitioners

versus

State of Maharashtra & Ors. ..Respondents

Mr. V. A. Thorat, Senior Counsel with Mr. A. N. Jakhadi for the Petitioners.

Mr. S. R. Borulkar, PP and Mr.V. B. Konde-Deshmukh, APP for the Respondents - State.

Mr. V. Pradhan for the Respondent No. 7.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE,JJ.

DATE : 7TH JUNE, 2006

P.C. :

1. Heard learned counsel for the petitioners, learned P.P. and counsel for the respondent No. 7.

2. Learned PP has drawn our attention to the order of the Single Judge (Justice Mohite) and tried to contend that reference to Section 47 of the Act, is a reference to Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act,

1971, and until and unless the petitioners satisfy that there is an order in their favour passed by the Additional Commissioner under the said Act, they cannot demolish the structures, and if they demolish, no protection can be granted.

3. We, do not think that it is the job of the police to interpret the provisions of law or to interpret the orders of this court in a way suitable to them. Petitioners have according to them all the necessary legal documents and permission to proceed with the Redevelopment Project, for which demolition of the hutments is necessary, therefore, this petition is allowed, in the sense that if no protection is granted when monsoon is approaching very fast and at the doorsteps, it will create chaotic situation for the petitioners and those hutment dwellers whose hutments are demolished or partly demolished or liable to be demolished. Therefore, police to provide necessary protection in order to enable the petitioners to carry out demolition of the hutments with reference to the provisions of Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, and the documents in their possession. It is also necessary to demolish the

structures fully so that partly demolished structures are not occupied by encroaches or by earlier occupants, and, in the rainy season those demolished structures do not create further complications.

4. Petitioners to give intimation in advance to the police, as also to the Respondent No. 7, as to when they are going to start further demolition activities in the area, of which description is given in the petition on page 2 i.e. Plot bearing C.S. No. 1 (PT) of Lower Parel Division, Mumbai City District for Shramik Ekta SRA Co-op. Hsg. Soc's Federation Limited. Police protection is granted to carry on the activities of demolition.

5. Petition disposed of accordingly.

6. All concerned parties to act on an copy of this order duly authenticated by the Registry.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)